

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

V.

CIVIL ACTION NO. 5:09cv84DCB-JMR

FUNDS ON DEPOSIT AT BANKPLUS,
ACCOUNT NO. XXXXX6302, UP TO AND
INCLUDING \$86,950, AND ALL FUNDS
TRACEABLE THERETO

DEFENDANT

AGREED ORDER OF SETTLEMENT

The United States of America, by and through its attorney, Stan Harris, Acting United States Attorney for the Southern District of Mississippi (hereinafter referred to as "Government"), and the Claimants, Mr. And Mrs. Roy Carpenter (hereinafter referred to as "Claimants"), by and through their attorney of record, Charles W. Wright, Jr., come before the Court setting forth the following agreement:

WHEREAS, on or about May 20, 2009, the Internal Revenue Service (hereinafter referred to as "IRS") seized seventy six thousand, seven hundred ninety-nine dollars and 27/100 (\$76,799.27) in United States Currency from the bank account of Claimants, pursuant to a seizure warrant issued in the Southern District of Mississippi; and

WHEREAS, on or about June 8, 2009, Claimants, by and through their attorney, filed a timely claim and answer of ownership for the sum of currency seized by the IRS on May 20, 2009; and

WHEREAS, the Government and Claimants wish to avoid the necessity of proceeding with the litigation of this forfeiture action, and further have agreed to the conditions under which further or additional litigation may be avoided, and desire to finalize this agreement; and

WHEREAS, Charles W. Wright, Jr., as counsel to both Claimants, is duly authorized to represent the Claimants and to enter into this Agreed Order of Settlement as their counsel; and

WHEREAS, on June 29, 2009, the Government and Claimants, by and through Claimants' attorney, reached a verbal agreement in settlement of this forfeiture action; and

THEREFORE, the parties hereby agree to settle this forfeiture action upon the following terms and conditions;

1. The seized currency of seventy six thousand, seven hundred ninety-nine dollars and 27/100 (\$76,799.27) was seized by the IRS on or about May 20, 2009, pursuant to a valid seizure warrant.
2. Without admitting any participation in the underlying specified unlawful activity or any other wrongdoings, the parties agree that the seized currency of seventy six thousand, seven hundred ninety-nine dollars and 27/100 (\$76,799.27) was subject to forfeiture pursuant to United States Code, Title 31, Section 5317(c).
3. Claimants agree to withdraw their claim to the seized currency.
4. Claimants agree that ten thousand dollars (\$10,000.00) of the seized currency will be forfeited to the Government pursuant to United States Code, Title 31, Section 5317(c).
5. The Government hereby agrees not to pursue the civil forfeiture action against the remaining sixty six thousand, seven hundred ninety-nine dollars and 27/100 (\$66,799.27) in United States Currency.
6. The Government agrees to release to Claimants the remaining sixty six thousand, seven hundred ninety-nine dollars and 27/100 (\$66,799.27).
7. Claimants, jointly and severally, hereby release and forever discharge the United States of America, the United States Department of Justice, the Internal Revenue Service, their

officers, agents, and employees from any and all action, suits, proceedings, debts, dues, contracts, judgments, damages, claims and/or demands whatsoever in law or equity which the Claimants ever had, now have, or may have in the future in connection with the seizure and detention of the seized currency at issue herein.

8. Claimants agree, jointly and severally, to hold and save the United States of America, the United States Department of Justice, the Internal Revenue Service, their officers, agents, and employees, harmless from any and all claims by Claimants, including costs and expenses for or on account of any and all lawsuits or claims of any character whatsoever, in connection with the seizure and detention of the seized currency at issue herein.

9. Claimants, jointly and severally, hereby waive any claim to attorney's fees, interests or any other relief not specifically provided for in this agreement.

10. This Agreement does not constitute an admission or denial by either party regarding the facts and circumstances surrounding the May 20, 2009 seizure of the seized currency, or the facts and circumstances surrounding the forfeiture of ten thousand dollars (\$10,000.00) of the seized currency to the Government.

11. The parties expressly acknowledge and agree that this Agreement shall be construed to apply only to the currency seized by the IRS on May 20, 2009 and that this Agreement does not excuse or forgive any criminal act by Claimants, or immunize Claimants from any criminal prosecution.

12. Claimants, without making any admission regarding prior conduct, will not structure or assist in structuring, or attempt to structure or assist in structuring, any future transactions with any domestic financial institution.

13. The parties expressly agree that nothing in this Agreement establishes, acknowledges, or validates any claims of ownership over the seized currency by any party at the time of its seizure. Claimants hereby represent that they know of no other parties with a valid claim to the seized currency.

14. The Government and Claimants agree that this Agreed Order of Settlement constitutes a full and complete settlement of all pending claims and issues and that this Agreed Order of Settlement shall be filed with the Court and made a part of the official record in this case. It is further agreed that this Agreed Order of Settlement may not be modified or amended except by written agreement executed by each of them.

SO ORDERED AND ADJUDGED this the 9th day of July, 2009.


UNITED STATES DISTRICT COURT JUDGE

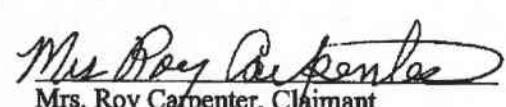
APPROVED:


J. Scott Gilbert
Assistant United States Attorney

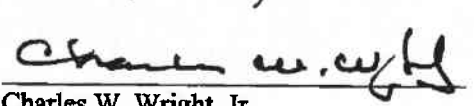
DATE: 7/8/09


Mr. Roy Carpenter, Claimant

DATE: 6/30/09


Mrs. Roy Carpenter, Claimant

DATE: 6/30/09


Charles W. Wright, Jr.
Attorney for Claimants

DATE: 6/30/09